

***United States Court of Appeals  
for the Second Circuit***



**APPELLANT'S  
BRIEF**





IN THE UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

BLEMA MAIGNAN, : NO. 75-4178  
Appellant :

-v-

UNITED STATES :  
DEPARTMENT OF :  
JUSTICE, INS :  
Appellee :

FEBRUARY 13, 1976

BRIEF AND APPENDIX

PAGINATION AS IN ORIGINAL COPY

IN THE UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

BLEMA MAIGNAN,	)	NO. 75-4178
	)	
Petitioner-Appellant	)	
	)	
v.	)	
	)	
UNITED STATES DEPARTMENT OF	)	
JUSTICE, IMMIGRATION AND	)	
NATURALIZATION SERVICE,	)	
	)	
Respondent-Appellee	)	FEBRUARY 13, 1976

PETITION FOR REVIEW

BOARD OF IMMIGRATION APPEALS ORDER

BRIEF FOR PETITIONER APPELLANT

VICTOR M. FERRANTE, ESQ.  
Attorney for Appellant  
285 Golden Hill Street  
Bridgeport, Connecticut 06604



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STATEMENT OF ISSUE

DOES PETITIONER, A NATIVE OF AN ADJACENT ISLAND COME WITHIN THE SAVING PROVISIO OF 8 U.S.C. 1254(f)(3).

STATEMENT OF CASE

The Petitioner was admitted to the United States as a visitor for pleasure January 20, 1967 for an authorized stay until March 1, 1967. On June 14, 1967 (Rec. #26) at a hearing conducted by an Immigration Judge, the Petitioner was found deportable but was granted voluntary departure.

The Petitioner appealed that decision and made various motions to reopen proceedings but finally on July 18, 1968 (Rec. #11) the Petitioner was ordered deported to Haiti. The Petitioner failed to appear for deportation.

On February 22, 1971 the Petitioner married a United States permanent resident alien who was also a Haitian citizen and native who applied on behalf of the Petitioner for verification of her lawful permanent residence August 11, 1972. (Rec. #10) This procedure was done in order to establish special immigrant visa eligibility for the Petitioner, a Western Hemisphere native as a spouse of a United States permanent resident, 8 U.S.C. 1101(a)(27), 8 U.S.C. 1182 (a)(14), 8 U.S.C. 1204.

But any person who is under an outstanding order of deportation is ineligible to receive a visa unless the Attorney General has consented to his reapplying for admission, 8 U.S.C. 1182(a)(17). Because of this provision of law, the Petitioner applied for permission to reapply for admission into the United States after deportation (Rec. #9). This was denied December 8, 1972 by the District Director in New York City.

Subsequently, Petitioner appealed the District Director's denial to the Regional Commissioner who dismissed the appeal April 10, 1973 (Rec. #4; APP.- 7). Thereafter the Petitioner instituted Habeas Corpus proceedings in the United States District Court, District of Connecticut, United States ex rel. BLEMA MAIGNAN v. JAMES E. SMITH, District Director, H-53. This Habeas Corpus was dismissed by Newman, J., September 28, 1973.

As of January 20, 1974, the Petitioner had remained in the United States seven years. He therefore on March 11, 1974 filed with the Service at Hartford a Form I-256A "Application for Suspension of Deportation" (Rec. #2; APP.-1 ) under 8 U.S.C. 1254 (a)(1), Sec. 244 (a)(1) of the Immigration and Nationality Act.

But the Board of Immigration Appeals in a decision dated June 11, 1975 denied the I-256A finding that the Petitioner was ineligible for such relief under 8 U.S.C.



1254(f)(3), Sec. 244(f)(3) of the Immigration and Nationality Act (Rec. #1; APP.- 5). Whereupon the District Director at Hartford on August 18, 1975 put back into effect the original May 1973 deportation order.

Petitioner seeks review of that deportation order and of the Board of Immigration Appeals decision of June 11, 1975 failing to suspend the deportation in this Petition for Review filed with this Court in August, 1975.



ARGUMENT

I. DOES PETITIONER, A NATIVE OF AN ADJACENT ISLAND COME WITHIN THE SAVING PROVISIO OF 8 U.S.C. 1254(f)(3).

The issue here presented is a relatively narrow one. It is conceded at the outset that the Board of Immigration Appeals was correct in holding that the provisions of 8 U.S.C. 1254(a) permitting suspension of deportation do not apply to a native of Haiti, an adjacent island defined under 8 U.S.C. 1101(b)(5). But that same 8 U.S.C. 1254 provides in Sec.(f) "That the Attorney General may... agree to...granting...suspension of deportation...if such alien establishes...that he is ineligible to obtain a non-quota immigrant visa."

Despite the clear exception listed in the statute and despite the fact that the administrative record is replete with evidence that the Petitioner is statutorily ineligible to receive a special immigrant nonquota visa because of the outstanding order of deportation, the Board of Immigration Appeals summarily dismissed the application for suspension of deportation without even mentioning the saving clause of the statute and its applicability or lack thereof to the Petitioner. We agree that 8 U.S.C. 1254(f)(3) only permits suspension of deportation at the discretion of the Attorney General and that the Attorney General does not automatically have to grant suspension of deportation to every native of an adjacent island who is ineligible to

obtain a nonquota immigrant visa; but at least the Attorney General must consider the evidence in the process of exercising that discretion. Just simply to state that natives of contiguous islands are ineligible for 8 U.S.C. 1254 relief without considering whether such a native comes within the exceptions listed in the very same statute is an abuse of discretion.

Certainly the Board of Immigration Appeals has adjudicated matters involving this very exception before. Thus in Matter of McCarthy, March 29, 1963, 10 I.N. 227, the issues raised under 8 U.S.C. 1254 involved a Canadian native. A Canadian native is "a native of (a) country contiguous to the United States or of any adjacent island" and is therefore excluded from the benefits of 8 U.S.C. 1254. But the Board of Immigration Appeals in the McCarthy case found him to be ineligible to obtain a nonquota immigrant visa and therefore within the exception to the law.

How? Well, McCarthy was twice convicted of crimes involving moral turpitude. Under 8 U.S.C. 1182(a)(9) such aliens are ineligible to receive visas just as are aliens who have been deported under 8 U.S.C. 1182(a)(17). Since McCarthy was ineligible to receive a visa under 8 U.S.C. 1182, then the Board of Immigration Appeals found that although he was a native of a contiguous country, he would still be entitled to the benefits of 8 U.S.C. 1254.

RECORD



Similarly, a native of Mexico ineligible to receive a visa under 8 U.S.C. 1182(a)(14) because he could not obtain a labor certification as a cook's helper was granted relief under 8 U.S.C. 1254 although a native of a contiguous country because the Board of Immigration Appeals found him to come within the saving clause, Matter of VELASQUEZ-HERNANDEZ, 11 I.N. 781 (1966) as one ineligible to obtain a nonquota immigrant visa.

Why then did not the Board of Immigration Appeals follow its own precedents in the instant case. Is not MAIGNAN ineligible to receive a nonquota visa under 8 U.S.C. 1182(a)(17) the same as McCARTHY, ineligible to receive a visa under 8 U.S.C. 1182(a)(9) and 8 U.S.C. 1182(a)(14)? If he is different from these two cases, then was he at least not entitled to an explanation of the differences found by the Board of Immigration Appeals?

But we do not consider him different from McCarthy and VELASQUEZ-HERNANDEZ. We think that the Board just failed to look at the record. It failed to note that the Regional Commissioner on April 10, 1973 had failed to grant Petitioner permission to reapply for admission to the United States after deportation or removal, had failed in other words to eliminate the ineligibility for visa contained in 8 U.S.C. 1182(a)(17). We note that the Board of Immigration Appeals as the repository of the ultimate administrative appeal

remedy is independent, even though a part, of the Immigration and Naturalization Service; but even though independent, when it considers an appeal, the Board must consider what other divisions of the agency have done. It must take administrative notice of the Regional Commissioner's doing, for instance.

This it failed to do in the instant case. Had it done so, then it would have met the issue of MAIGNAN'S ineligibility for a visa and would have then exercised an informed discretion on the subject of 8 U.S.C. 1254 relief.

Since it did not exercise such an informed discretion, we hold the decision of the Board should be reversed.



CONCLUSION

The Petitioner does come within the exception to 8 U.S.C. 1254(f)(3); and the Board of Immigration Appeals in the exercise of the discretion granted to the Attorney General under that statute should have considered his "Application for Suspension of Deportation". It was an abuse of discretion for the Board of Immigration Appeals to consider the exception.

THE PETITIONER APPELLANT  
BLEMA MAIGNAN

By 

VICTOR M. FERRANTE  
His Attorney

IN THE UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

BLEMA MAIGNAN,	)	NO. 75-4178
	)	
Petitioner-Appellant	)	
	)	
v.	)	
	)	
UNITED STATES DEPARTMENT OF	)	
JUSTICE, IMMIGRATION AND	)	
NATURALIZATION SERVICE,	)	
	)	
Respondent-Appellee	)	FEBRUARY 13, 1976

PETITION FOR REVIEW  
BOARD OF IMMIGRATION APPEALS ORDER

APPENDIX

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Bridgeport, Connecticut 06604



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**FREE STAMP**

(PLEASE READ ADVICE AND INSTRUCTIONS ON PAGE 5 BEFORE FILLING IN FORM)

- who is/are ☒ citizen(s) ☐ lawful permanent resident(s) of the United States; and I have been physically present in the United States without any absence since January 20, 1967

2a) My present true name is: (Print Middle Last) <b>BLEMA MAIGNAN</b>		2b) My name given at birth was <b>Bloma Maignan</b>				
(3) I have been known by the additional names <b>None</b>		My sex is <b>Male</b>	(Height) <b>5'6"</b>	(Color of eyes) <b>Brown</b>	(Color of hair) <b>Gray</b>	(Complexion) <b>Black</b>
(4) I was born at (Place and country) <b>La Ville D'Again, Haiti</b>		On (Month) (Day) (Year) <b>3 / 3 / 18</b>		My nationality is (Country of which citizen or subject) <b>Haiti</b>		
(5) I now reside at (Apt. number and/or in care of) <b>46</b>		(Number and street) <b>53 Grove Street</b>		(City or town) <b>Stanford,</b>	(State) <b>Connecticut</b>	(ZIP Code) <b>06902</b>

(6) I first entered the United States under the name of (First) <b>Bloma</b> (Middle) <b>Maignan</b> (Last)		on (Month) (Day) (Year) <b>1/20/67</b>	At (seaport, airport, or land border port) <b>J.F.K. New York City</b>
Name of vessel or other means of conveyance <b>Par-4n</b>		I was admitted as a (insert visitor, crewman, transient, student, permanent resident, or other) <b>Visitor</b>	
For a period of time to expire (insert date of period for which admitted) <b>March 1, 1967</b>		My last extension of stay in the United States expired on (date) <b>March 1, 1967</b>	
If not inspected or if entry occurred at other than a regular port, describe the circumstances as accurately as possible <b>I was inspected</b>			

Since the date of my first entry I departed from and returned to the United States at the following places and on the following dates. (If you have never departed from the United States since your original date of entry, insert "no departures.")

DEPARTED		RETURNED		INSPECTED AND ADMITTED (Address Yes or No)
PORT	DATE (Month-Day-Year)	PORT	DATE (Month-Day-Year)	
No departures				
From U.S.A.				

- (7) During the last 10 years, I have been in the United States as listed below: (If less than 10 years, set forth the information for the period you have been in the United States.) Last present address FIRST, and work back

STREET AND NUMBER - CITY OR TOWN - STATE (Include number of hotel room, furnished room or apartment in present address)	FROM-		TO-	
	Month	Year	Month	Year
53 Grove Street, Stamford, Connecticut	October	1923	Present	
4 Wells Avenue, Stamford, Connecticut	February	1923	October	1923
792 Washington Blvd., Stamford, Connecticut	June	1922	February	1923
53 Henry Street, Stamford, Connecticut	June	1928	June	1922
Queens, New York	January	1927	June	1926



- (8) During my residence at the places in the United States named above I was employed by the following named persons or firms. (Begin with present employment and proceed backwards. Any periods of unemployment or school attendance should be specified.)

Full Name of Employer	Address of Employer	Earnings Per Week (Approximately)	Type of Work Performed	From—		To—	
				Month	Year	Month	Year
St. Joseph's Hospital, Stamford, Conn.		125.00	housekeeping		1968	Present	
Empire Extension Corp.	Garden City, N.Y.	95.00	Automated Foundry Work or	Feb.	1967	May	1968

(Use a separate sheet for additional entries.)

- (9) If self employed, describe nature of business, name under which business is conducted, and net income derived therefrom  
Not applicable

(10) I ☒ AM MARRIED If married, the name of my spouse is Connie Marie Paul We were married on (Month) (Day) (Year) 2 / 3 / 71 at (City or town) (State or country) Stamford, Connecticut

She or he was born at (City or town) (State or country) Cronoe Cconalves Haiti on (Month) (Day) (Year) 6 / 22 / 26 and is a citizen of (Country) Haiti

(11) If your spouse is other than a native born United States citizen, answer the following:  
She or he arrived in the United States at (City or town) J.P.K. New York City on (Month) (Day) (Year) 1 / 17 / 1970 ☒ was admitted for permanent residence.  
☐ was not

was naturalized on (Month) (Day) (Year) (X) (Place naturalized)

- (12) I ☒ have ☐ have not been previously married. (If previously married, give facts relative to name of each prior spouse, and manner, date, and place of termination of each prior marriage) Concord Clinic, Mexico Divorce  
first wife died

- (13) My present spouse ☐ has ☒ has not been previously married. (If spouse previously married, give facts relative to name of each prior spouse and manner, date, and place of termination of each prior marriage)

- (14) My spouse ☒ is ☐ is not employed. If employed, give salary and place of employment St. Joseph's Hospital  
\$35.00

- (15) The assets of myself (and my spouse), not including clothing and household necessities, are: Self (or jointly owned with spouse)

Cash, Stocks and Bonds	<u>Savings \$1,500.00</u>	Cash, Stocks and Bonds	\$
Real Estate	\$	Real Estate	\$
Other (Describe)	\$	Other (Describe)	\$
Total	\$	Total	\$

- (16) I have 3 children. Give information requested in each column

NAME	AGE	PLACE OF BIRTH	Now Residing at—	CITIZEN OF	USCIS PERMANENT RESIDENT STATUS
Jean Baptiste Antoine	21	Haiti	Port-Au-Prince	Haiti	No
Richard	17	Haiti	Port-Au-Prince	Haiti	No
Jacques	16	Haiti	Port-Au-Prince	Haiti	No

The names, assets, and earnings of my children in the United States who have separate incomes are:

- (17) I ☐ have ☒ have not after entry into the United States acquired the status of an exchange alien.
- (18) I ☐ have ☒ have not submitted yearly address reports as required by the amendment to the Alien Registration Act effective September 23, 1950, and the Immigration and Nationality Act.
- (19) I ☐ have ☒ have not been the recipient of public or private relief or assistance. If you have, give full details including date, place, and amount received.

(20) If you have served in the Armed Forces of the United States, state branch (Army, Navy, & service number, etc.) No Service  
 Date and place of entry on duty \_\_\_\_\_ Date of discharge \_\_\_\_\_  
 Type of discharge (honorable, dishonorable, etc.) \_\_\_\_\_ I served in active duty status from \_\_\_\_\_ to \_\_\_\_\_

- (21) If male, did you register under the Selective Service (Draft) Law of 1917, 1918, 1940, 1948, 1951, or later Draft Laws? Yes ☐ No ☒  
 If "Yes," give date, Selective Service number & local draft board number. \_\_\_\_\_  
 Were you ever exempted from service because of conscientious objection, alienage, or any other reason? Yes ☐ No ☒  
 (22) Have you ever deserted from the military or naval forces of the United States while this country was at war? Yes ☐ No ☒  
 (23) Have you ever left the United States or the jurisdiction of the district where you registered for the draft to avoid being drafted into the military or naval forces of the United States? Yes ☐ No ☒  
 (24) List membership, past or present, in all organizations, societies, clubs, unions, and associations, whether in the United States or a foreign country, and the periods and places of such membership. Include membership in any Communist Party or organization or in any section, subsidiary, branch, affiliate, or subdivision of any such party or organization.

No membership

- (25) I ☐ have ☒ have never (either in the United States or any other country) been arrested, summoned into court as a defendant, convicted, fined, imprisoned, or placed on probation, or forfeited collateral for an act involving a felony, misdemeanor, or breach of any public law or ordinance.

If answer is in the affirmative in any particular, give complete information in the space immediately following.

(Use a separate sheet for additional entries.)

- (26) I can return to my country of ☒ Birth ☐ Nationality ☐ Last Residence without fear of persecution. If unable to return to any (check the appropriate block or blocks) \_\_\_\_\_  
 of these countries, give reasons.

- (27) I ☒ would ☐ would not be able to arrange a trip outside the United States to obtain an immigrant visa. If not, explain.

- (28) Give the requested information about your parents, brothers, and sisters. As to residence, show street address, city, and state, if in the United States; otherwise show only country.

NAME	RELATIONSHIP TO ME	Now Residing At	BIRTHPLACE	CITIZEN OF	LAST PERMANENT RESIDENT OF U.S.
Bieri	Father	Dead	Haiti	Haiti	
Aliana LeClair	Mother	Fond de Blanc, Haiti	Haiti	Haiti	No
Lavoisier	Brother	Dead	Haiti		
Ann Maignan					
Evanbicrolite	Sister	Fond de Blanc, Haiti	Haiti	Haiti	No



IF THIS APPLICATION IS BASED ON HARDSHIP TO A PARENT OR PARENTS, QUESTIONS 29 TO 32 MUST BE ANSWERED

As to such parent who is not a citizen of the United States, give date and place of arrival in the United States including full details as to manner and terms of admission to this country

Not applicable

(30) My father ☐ is ☐ is not employed. If employed, give salary and place of employment

Not applicable

(31) My mother ☐ is ☐ is not employed. If employed, give salary and place of employment

Not applicable

(32) The assets of my parents (not including clothing and household necessities) are

Assets of father consist of the following

Cash, Stocks and Bonds \$  
Real Estate \$  
Other (Describe) \$  
Total \$

Assets of mother consist of the following

Cash, Stocks and Bonds \$  
Real Estate \$  
Other (Describe) \$  
Total \$

(33) The following certificates or other documents are attached hereto as a part of this application. (Refer to instruction 2, page 5, for documents which must be attached)

Nature of Document

(APPLICATION NOT TO BE SIGNED BELOW UNTIL APPLICANT APPEARS BEFORE A SPECIAL INQUIRY OFFICER)

I, \_\_\_\_\_, do swear (affirm) that the contents of the above application, with corrections numbered ( ) to ( ), and including the documents attached hereto, are true to the best of my knowledge, and that this application is now signed by me with my full, true name. So Help Me God.

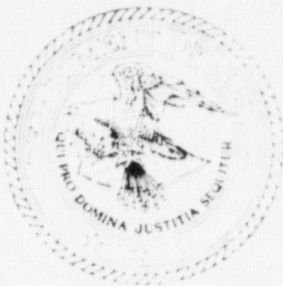
(Complete and true signature of applicant or parent or guardian)

Subscribed and sworn to before me by the above-named applicant at

day of 19

Special Inquiry Officer

(4)



United States Department of Justice

Board of Immigration Appeals

Washington, D.C. 20530

File: A14 886 100 - Hartford

JUN 11 1975

In re: BLEMA MAIGNAN

IN DEPORTATION PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Pro se

CHARGE:

Order: Section 241(a)(9), I&N Act (8 U.S.C.  
1251(a)(9)) - Nonimmigrant -  
failed to comply

APPLICATION: Reopening to apply for suspension of  
deportation under section 244(a)(1)  
of the Immigration and Nationality Act

This case relates to a native and citizen of Haiti, male, married, 57 years of age, who last entered the United States as a nonimmigrant visitor on January 20, 1967. He was found deportable on the above charge on June 14, 1967.

This matter is before us on the respondent's application (Form I-256A) for suspension of deportation under section 244(a)(1) of the Immigration and Nationality Act.

The respondent has not filed a formal motion to reopen and the application for section 244(a)(1) relief is unsupported. In any case, the respondent is ineligible to have his deportation suspended under section 244(a) of the Act inasmuch as the provisions of section 244(a) of the Act shall not be applicable to an alien who is a native of any country contiguous to the United States or of any adjacent island named in



A14 886 100

section 101(b)(5) of the Act (section 244(f), Immigration and Nationality Act). Section 101(b)(5) states that the term "adjacent islands" includes Haiti. In the circumstances, we shall deny the respondent's request to reopen to apply for suspension of deportation. Accordingly, the following order will be entered.

ORDER: The motion is denied.

Chairman

Exhibit 6

UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service  
Northeast Regional Office  
Burlington, Vermont

FILE: 114 686 100 (Harford)

207 1810

IN RE: Elena Maignan

APPLICATION FOR ADMISSION TO REMAIN FOR ADMISSION INTO THE UNITED STATES AFTER DEPORTATION OR REMOVAL

IN BEHALF OF APPLICANT: Michael A. Mandel, Esq.  
1801 Broadway  
New York, New York 10038

This matter is before the Regional Commissioner on Appeal from the denial of the application for the consent of the Attorney General to remain for admission to the United States after deportation. There is no objection, written or oral, from the applicant and he seeks admission pursuant to statute in order to proceed abroad under the benefit of deportation and apply for an immigrant visa.

He is a 30-year-old native and citizen of Haiti who was admitted to the United States as a temporary visitor under Section 101(a)(15)(B) of the Immigration and Nationality Act with authority to remain here until March 1, 1967.

In a decision rendered on December 9, 1972 denying the application the District Director summarized the applicant's record of dealings with this Service which includes the following:

Shortly after entry he secured unauthorized employment in violation of the terms of his admission. After apprehension by Service officers he was found deportable in a Special Inquiry hearing, on June 14, 1967 and afforded the privilege of voluntary departure. At the hearing he declared that he had no fear of returning to Haiti.

He failed to depart and appealed the decision to the Board of Immigration Appeals which dismissed the appeal. He subsequently filed a motion to reopen and reconsider the decision which was denied by the Board.

He was advised that he might depart voluntarily by May 22, 1968 and that failure to so depart would result in the withdrawal of the privilege of voluntary departure. Again he failed to depart and filed another motion to reopen and reconsider based on his application for suspension of deportation pursuant to the provisions of section 244 of the Act. This motion was considered frivolous because he was statutorily ineligible for this benefit and the motion was again denied by the Board.



He was advised on July 10, 1968 that he was to be deported. Arrangements were made for his deportation on July 30, 1968 and he was ordered to surrender himself for deportation on that date. He failed to appear as ordered and successfully avoided apprehension by the Service for almost three years.

After considerable effort and expense he was located on February 25, 1971, three days after he had married an alien permanent resident of the United States. He had obtained a divorce from his wife in Haiti, mother of several children, approximately one month prior to this marriage. The District Director noted that he had been living in an adulterous relationship with his new wife for approximately one year prior to marriage while remaining here illegally. This finding was based on the applicant's own statement given in an oral interview on February 25, 1971.

The order denying the application summed up as follows:

In view of your willful violations of the immigration law and your utter disregard for these laws, your application is denied as a matter of discretion. The fact that you abandoned your spouse and children in Haiti and entered into an adulterous relationship militates against favorable action on your application. Your actions were conducted for the purpose of freeing yourself so that you might be in a better position to gain a benefit under the immigration law and thereby expunge the warrant of deportation from your record. The entire record is filled with misdealings, frivolous actions and utter contempt for the United States Government and its laws. The mere fact that you managed to prolong your stay in the United States through dilatory actions and eventually absconding, does not constitute a compelling reason for your continued presence in the United States.

On appeal the applicant pleads that his previous dealings with this Service were the result of fear, ignorance, and faulty legal counsel which he had before retaining present counsel. He denies that he lived with his present wife in an adulterous relationship prior to marriage. He now indicates that he had feared to return to Haiti for political and religious reasons.

It is not necessary for us to determine which of the applicant's statements were true and which were false. The record speaks for itself. We agree with the District Director that the applicant's total disregard

for constituted law justified the discretionary denial of the application. We note that his present wife is a native and citizen of Haiti who had lived in this country only about one year before she married the applicant. Further, in view of the length of time they had known each other it would be unrealistic to believe that she was unaware that he had already been ordered deported from the United States when she married him. We don't find this one factor - relationship to a resident of this country - to be sufficient to override all the unfavorable factors existing in this case. Accordingly, we will dismiss the appeal.

IT IS ORDERED that the appeal be and is hereby dismissed.

*Frank J. [Signature]*  
REGIONAL COMMISSIONER  
11

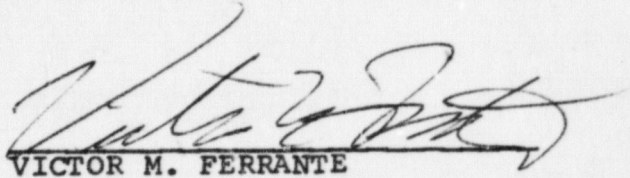


IN THE UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

BLEMA MAIGNAN,	)	NO. 75-4178
	)	
Petitioner-Appellant	)	
	)	
v.	)	
	)	
UNITED STATES DEPARTMENT OF	)	
JUSTICE, IMMIGRATION AND	)	
NATURALIZATION SERVICE,	)	
	)	
Respondent-Appellee	)	FEBRUARY 13, 1976

CERTIFICATION

This is to certify that two (2) copies of the enclosed Petition For Review - Board Of Immigration Appeals Order and Appendix were mailed this 13th day of February, 1976, postage prepaid, to Thomas Bellot, Assistant United States Attorney, Foley Square, New York, New York, 10007.

  
VICTOR M. FERRANTE